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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,
Plaintiffs,
v.
ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

NO. C01-1351 TEH

ORDER GRANTING
PLAINTIFFS' MOTION RE:
PROCEDURE FOR SUBMITTING
ATTORNEYS' FEE REQUESTS
ARISING FROM THREE-JUDGE
COURT PROCEEDINGS

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This matter comes before the Court on Plaintiffs' motion for an order directing Plaintiffs to comply with the periodic fees order in this case in submitting requests for attorneys' fees and costs arising from the related three-judge court proceedings. Having reviewed the parties' written arguments, the Court does not find oral argument to be necessary and hereby VACATES the hearing scheduled for September 28, 2009.

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On August 26, 2009, this Court ruled that Plaintiffs are entitled to reasonable attorneys' fees and costs for work performed before the three-judge court based on the June 13, 2002 Stipulation and Order for Injunctive Relief. Aug. 26, 2009 Order at 1-3. Thus, the only matter to be decided on this motion is whether the Court should clarify that the periodic fees order in this case governs Plaintiffs' fee requests for such work, and that the deadlines for filing requests for attorneys' fees under the Federal Rules of Civil Procedure and this Court's Civil Local Rules do not apply. Defendants do not dispute the Court's discretion to modify the deadlines under the federal and civil local rules, nor do they present any argument for the Court not to do so. Defendants' only argument is that this Court should deny Plaintiffs' motion because it lacks jurisdiction over fee requests for work before the three-judge court – an argument this Court already considered and rejected in its August 26, 2009 order.

1 With good cause appearing based on the Court’s prior ruling regarding entitlement to
2 fees, the Court hereby GRANTS Plaintiffs’ motion. The deadlines and requirements of the
3 *Plata* periodic fees order, and not the deadlines and requirements set forth in Federal Rule of
4 Civil Procedure 54(d) and Civil Local Rules 54-1 through 54-6, shall govern the fee requests
5 at issue.¹ However, as previously ordered, “[t]he Court temporarily stays enforcement of all
6 orders to pay attorneys’ fees related to proceedings before the three-judge court pending
7 resolution of Defendants’ motion to stay, noticed for hearing on October 19, 2009.”
8 Sept. 16, 2009 Order at 5. In addition, the Court understands that a similar motion is pending
9 before the district court in *Coleman v. Schwarzenegger*, Case No. Civ. S-90-0520 LKK JFM
10 (E.D. Cal.), and reiterates that “[i]f the *Coleman* court subsequently issues a ruling
11 inconsistent with this order . . . , then this Court will entertain a motion for leave to file a
12 motion for reconsideration under Civil Local Rule 7-9 and may reconsider its ruling.”
13 Aug. 26, 2009 Order at 3 n.3.

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15 **IT IS SO ORDERED.**

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17 Dated: 09/18/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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27 _____
28 ¹This ruling should not be construed as an opinion that judgment in the three-judge
court proceedings is required prior to an award of attorneys’ fees and costs, nor that the
three-judge court’s August 4, 2009 opinion constitutes a judgment.